

Transmitted via electronic mail to DesignServices@fresnocountyca.gov

12 March 2021

Design Division
Fresno County Department of Public Works and Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

**RE: Bid Protest for American Avenue Disposal Site Landfill Gas Collection Project
Contract No. 20-18-SW (Bid Opening Date: 11 March 2021)**

Dear Members of the Board of Supervisors and the Department:

ETIC respectfully submits this formal bid protest in accordance with Special Provisions, Subsection 3-1.04A Bid Protest Procedures.

ETIC formally protests the results of the subject bid on the grounds that BSE General Engineering, Inc. (BSE) submitted an unresponsive bid. ETIC asserts that BSE submitted a mathematically unbalanced bid, defined as a bid containing lump sum or unit bid items which do not reflect reasonable actual costs plus a reasonable proportionate share of the bidder's anticipated profit, overhead costs, and other indirect costs (23 CFR 635.102).

Page 9 of Technical Specification Section 01 20 00, Bid Items 19, 20 and 21 specifies that the basis of payment for the subject bid items must include *"all labor, materials, tools, equipment, and incidentals to provide and install"* the 6-inch, 12-inch, and 18-inch valves.

Page 2 of Technical Specification Section 23 09 13 Valves and Valve Boxes, Part 2 Products, Subpart 2.2 Butterfly Valves, Item A states that *"unless otherwise specified, butterfly valves used in the landfill gas collection system shall be lug-style, gear assisted, ductile-iron body with flat-faced flanged ends with Type 316 stainless steel disk and stem with spacers for proper valve operation, Viton seal and seat, and position indicator, rated for 350 psi."*

The pricing provided by BSE for Bid Items 19, 20, and 21 cannot abide by the product specifications listed above because the unit costs provided are less than the actual cost of the high-performance valves rated for high pressure specified by the design engineer. ETIC can confirm this because we solicited multiple quotes for the valves from reputable pipe and valve suppliers. The quotes we and other bidders were provided included both high-pressure (350 psi) meeting the project specifications and low-



pressure valves (150 psi to 175 psi) that do not meet the project specifications. The pricing provided by BSE appears to align with the cost of supplying low-pressure valves not meeting the project specifications. Therefore, BSE's pricing is potentially not responsive to the specified requirement to include the cost of all labor, materials, tools, equipment, and incidentals within the unit costs provided for the subject bid items. All other bidders excluding BSE clearly noted that the design specifies the use of high-performance valves (i.e., 350 psi) and included the associated costs to procure and install those valves in their bids, as evidenced by the higher unit rate pricing included by all parties for the subject bid items.

ETIC appreciates your consideration of this protest and requests that the Board of Supervisors and the Department of Public Works and Planning find BSE's bid unresponsive and award the contract to the responsive bidder with the lowest price.

Respectfully submitted,

ETIC



Alan Anselmo, P.E., QSD
Chief Operating Officer
aanselmo@eticeng.com
(925) 602-4710 ext. 2204



Lisa Hobson, P.E., QSD
Principal
lhobson@eticeng.com
(925) 602-4710 ext. 2201

